



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peter G. Brown

Appl. No. 09/100,088

Filed: June 19, 1998

For: **System and Method for
Simulation, Modeling and
Scheduling of Solution
Preparation in Biopharmaceutical
Batch Process Manufacturing
Facilities**

Art Unit: 2763

Examiner: Jones, H.

Atty. Docket: 1606.002000

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Second Supplemental Information Disclosure Statement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not

exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicant has checked the appropriate boxes below.

- ☐ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement or fee is required.
- ☒ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - ☒ c. Attached is our Check No. 27239 in the amount of \$**240.00** in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. A separate Petition to the Group Director, requesting consideration of this Information Disclosure Statement, is concurrently submitted herewith, along with our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(i).
 - ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months

prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. The documents were cited in a search report by a foreign patent office in a counterpart foreign application. A copy of the search report is enclosed for the convenience of the Examiner.
- ☐ 5. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☒ 6. The Examiner's attention is directed to co-pending U.S. Patent Application Nos. 09/019,777, filed February 6, 1998, 09/100,028, filed June 19, 1998, 09/100,024, filed June 19, 1998, 09/100,232, filed June 19, 1998, 09/373,793, filed August 13, 1999, and 09/373,794, filed August 13, 1999, which are directed to related technical subject matter. The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to the applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.
- ☐ 7. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

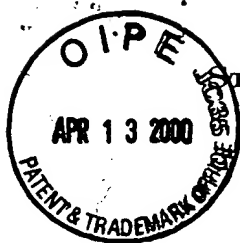
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Raymond Millien
Attorney for Applicant
Registration No. 43,806

Date: 4/13/00

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WRITER'S DIRECT NUMBER:

(202) 789-5506

INTERNET ADDRESS:

RMILLIEN@SKGF.COM

Assistant Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Utility Patent Application
Appl. No. 09/100,088; Filed: June 19, 1998
For: **System and Method for Simulation, Modeling and Scheduling of
Solution Preparation in Biopharmaceutical Batch Process
Manufacturing Facilities**

Inventor: Peter G. BROWN
Our Ref: 1606.0020004

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Second Supplemental Information Disclosure Statement;
2. Fee Transmittal Form PTO/SB/17 (*in duplicate*);
3. Form PTO-1449, one (1) page, listing one (1) document;
4. A copy of the one (1) cited document on Form PTO-1449;
5. Check No. 27239 in the amount of \$240.00 to cover the Submission of Information Disclosure Statement; and
6. One (1) return postcard.

Assistant Commissioner for Patents
April 13, 2000
Page 2

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It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Raymond Millien
Attorney for Applicant
Registration No. 43,806

RVM:lma
Enclosures

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL

for FY 2000

Patent fees are subject to annual revision.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB-19-12.

See 37 C.F.R. §§ 1.27 and 1.28.

Complete if Known

| | |
|------------------------|------------------|
| Application Number | 09/100,088 |
| Filing Date | June 19, 1998 |
| First Named Inventor | Peter G. BROWN |
| Examiner Name | Jones, H. |
| Group / Art Unit | 2763 |
| Attorney Docket Number | 1606.0020004/RVM |

TOTAL AMOUNT OF PAYMENT

(\$240.00)

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number

19-0036

Deposit Account Name

Sterne, Kessler, Goldstein & Fox P.L.L.C.

- ☐ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

2. ☒ Payment Enclosed: ☒ Check ☐ Money Order ☒ Other*
*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036. Check No. 27239

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|-------------------|-----------------|----------------|-----------------|------------------------|----------|
| 101 | 690 | 201 | 345 | Utility filing fee | |
| 106 | 310 | 206 | 155 | Design filing fee | |
| 107 | 480 | 207 | 240 | Plant filing fee | |
| 108 | 690 | 208 | 334 | Reissue filing fee | |
| 114 | 150 | 214 | 75 | Provisional filing fee | |
| SUBTOTAL (1) (\$) | | | | | 0.00 |

2. EXTRA CLAIM FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|---|-----------------|----------------|-----------------|-----------------|----------|
| Total Claims _____ - 20** = _____ X _____ = _____ | | | | | |
| Indep. Claims _____ - 3** = _____ X _____ = _____ | | | | | |
| Multiple Dependent _____ = 0.00 | | | | | |

** or number previously paid, if greater; For Reissues, see below

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|-------------------|-----------------|----------------|-----------------|---|----------|
| 103 | 18 | 203 | 9 | Claims in excess of 20 | |
| 102 | 78 | 202 | 39 | Independent claims in excess of 3 | |
| 104 | 260 | 204 | 130 | Multiple dependent claim | |
| 108 | 78 | 209 | 39 | **Reissue independent claims over original patent | |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) (\$) | | | | | 0.00 |

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------|-----------------|----------------|-----------------|--|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet |
| 139 | 130 | 139 | 130 | Non-English specification |
| 147 | 2,520 | 147 | 2,520 | For filing a request for reexamination |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action |
| 115 | 110 | 215 | 55 | Extension for reply within first month |
| 116 | 380 | 216 | 190 | Extension for reply within second month |
| 117 | 870 | 217 | 435 | Extension for reply within third month |
| 118 | 1,360 | 218 | 680 | Extension for reply within fourth month |
| 128 | 1,850 | 228 | 925 | Extension for reply within fifth month |
| 119 | 300 | 219 | 150 | Notice of Appeal |
| 120 | 300 | 220 | 150 | Filing a brief in support of an appeal |
| 121 | 260 | 221 | 130 | Request for oral hearing |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable |
| 141 | 1,210 | 241 | 605 | Petition to revive - unintentional |
| 142 | 1,210 | 242 | 605 | Utility issue fee (or reissue) |
| 143 | 430 | 243 | 215 | Design issue fee |
| 144 | 580 | 244 | 290 | Plant issue fee |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications |
| 126 | 240 | 126 | 240 | Submission of Information Disclosure Stmt |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) |
| 146 | 760 | 246 | 380 | Filing a submission after final rejection (37 CFR 1.129(a)) |
| 149 | 760 | 249 | 380 | For each additional invention to be examined (37 CFR 1.129(b)) |

Other fee (specify) :

Other fee (specify) :

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

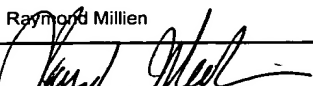
240.00

SUBMITTED BY

Typed or Printed Name

Raymond Millien

Signature



Date

4/13/00

Complete (if applicable)

Reg. Number

43,806

Deposit Acct. User ID

WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.